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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 **TIMOTHY WAYNE SMITH,**

14 Petitioner,

15 v.

16 **JAMES YATES, Warden,**

17 Respondent.
18

C 08-0007 RMW (PR)

**APPLICATION FOR EXTENSION
OF TIME TO FILE RESPONSE**

19 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 60-day
20 extension of time from today's date until August 27, 2008, in which to file a response to the petition
21 for writ of habeas corpus. Good cause for the extension is set forth in the accompanying declaration
22 of counsel. We have not attempted to contact petitioner, who is an incarcerated state prisoner
23 representing himself in this case.

24 WHEREFORE, respondent respectfully requests that this Court grant an extension of time
25 to and including August 27, 2008, in which to file the answer or other responsive pleading.
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1 Dated: June 30, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
4 Attorney General of the State of California

5 DANE R. GILLETTE
6 Chief Assistant Attorney General

7 GERALD A. ENGLER
8 Senior Assistant Attorney General

9 PEGGY S. RUFFRA
10 Supervising Deputy Attorney General

11 /s/ Arthur P. Beever
12 ARTHUR P. BEEVER
13 Deputy Attorney General
14 Attorneys for Respondent
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Smith v. Yates**

No.: **C 08-0007 RMW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On June 30, 2008, I served the attached

APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE

DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE

ORDER GRANTING FIRST EXTENSION OF TIME TO FILE RESPONSE

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Timothy Wayne Smith
C-71549
Pleasant Valley State Prison
B-2-249U
P. O. Box 8502
Coalinga, CA 93210-8502

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 30, 2008, at San Francisco, California.

M. Argarin
Declarant

/s/ M. Argarin
Signature